

REMARKS

In the final Office Action dated November 16, 2006, the Examiner rejects pending claims 1, 2 and 4 through 31 as obvious under 35 U.S.C. 103(a) over U.S. Patent Publication No. 2005/0071255 to Wang, et al. ("Wang") in view of U.S. Patent No. 6,640,218 to Golding, et al. ("Golding"). Applicants respectfully request reconsideration and withdrawal of the rejections in light of the remarks below.

In the prior Response, filed July 21, 2006, Applicant asserts that the Examiner is improperly asserting Wang as prior art under 35 U.S.C. 103(a). By way of clarification to the arguments presented by Applicant in the prior Response, both Wang and the present application are owned by Overture Services, Inc. More specifically, at the time the invention described in the present application was made, both Wang and the present application were owned by Overture Services, Inc. In support of the foregoing, Applicant submits herewith a copy of the Assignment recordation indicating that the Assignment was recorded with the US Patent and Trademark Office on October 18, 2004 at Reel 015890/Frame 0627, which evidences ownership by Overture Services, Inc. of the present application. Accordingly, Applicant asserts common ownership under MPEP 706.02(I)(2), thereby disqualifying Wang as prior art under 35 U.S.C. 103(c). On the basis of the foregoing, Applicant respectfully requests withdrawal of the rejection of the pending claims and allowance regarding the same.

In addition to the foregoing, Applicant respectfully disagrees with the Examiner and asserts that the combination of Wang and Golding fails to teach or suggest the elements of independent claims 1, 19 and 25. The independent claims, as amended, each comprise the element of "wherein determining a user preference for the clicked data

is performed by determining a ratio of actual clicks to clicks expected for the clicked data and a specific query.” Golding discusses “comparing the aggregate popularity of an item (i.e., how often users selected it) to a prediction of its aggregate popularity based solely on considerations of relevance.” Col. 5, Ins. 14-17. Indeed, Golding teaches away from the elements of the present claim by discussing that “the predictor function may be a lookup function that maps measures of relevant to empirically determined selection probabilities” or that “a closed form equation that approximate the empirical data may be used.” Col. 5, Ins. 35-39. The portions of Golding upon which the Examiner relies discuss redirection of page requests to a search engine to “track what requests are made in response to the results of particular queries.” Col. 7, Ins. 40-49. Redirection, however, does not teach or suggest wherein determining a user preference for the clicked data is performed by determining a ratio of actual clicks to clicks expected for the clicked data and a specific query. Applicant therefore respectfully requests withdrawal of the rejection of independent claims 1, 19 and 25 and allowance of the same.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicants’ position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance,

the examiner is invited to call the Applicants' undersigned representative to discuss any
issues relating to this application.

Dated: February 16, 2007

I hereby certify that the correspondence attached
herewith is being deposited this date with the U.S.
Postal Service as First Class Mail with sufficient
postage addressed to Mail Stop: RCE, Commissioner
for Patents, Box 1450, Alexandria, VA 22313-1450.


Matthew L. Kaufman

2/16/2007
Date

Respectfully submitted,



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 12, 2005

PTAS

BROWN RAYSMAN MILLSTEIN ET AL
900 THIRD AVENUE
NEW YORK, NY 10022



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**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

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RECORDATION DATE: 10/18/2004

REEL/FRAME: 015890/0627
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

THRALL, JOHN T.

DOC DATE: 10/08/2004

ASSIGNEE:

OVERTURE SERVICES, INC.
74 NORTH PASADENA AVENUE, 3RD
FLOOR
PASADENA, CALIFORNIA 91103

SERIAL NUMBER: 10729621

FILING DATE: 12/05/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: CLICK-THROUGH RE-RANKING OF IMAGES AND OTHER DATA

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TARA WASHINGTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Docket Date	APR 18 2005
BRMFS#	5598-15145
Attorney(s):	SHO/SR/LB
Action:	
Action Date:	
Final:	
Initials:	D.S.



10-20-2004



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SHEET

55' J151US

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

John T. Thrall

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: October 8, 2004

2. Name and address of receiving party(ies):

Name: Overture Services, Inc.

Street Address:

74 North Pasadena Avenue, 3rd Floor

City: Pasadena State: CA ZIP: 91103

Additional name(s) & address(es) attached? ☐ Yes ☒ No

10/18/04

FINANCE SECTION

2004 OCT 18 AM 8:45

OFFICE OF PUBLIC RECORDS

4. Application number(s) or patent number(s)

A. Patent Application No.(s)

10/729,621

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

900 Third Avenue

New York, New York 10022

(212) 895-2000

6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):..... \$ 40.00

- ☒ Check enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number: 02-4270

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Steven S. Rubin, Reg. No. 43,063

Name of Person Signing

Signature

10/13/04

Date

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

10/19/2004 10:01:00 00000096 10729621

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40.00 DP

Attorney Docket No.: 5598/151US

ASSIGNMENT

WHEREAS, I, John T. Thrall, a citizen of United States, residing at 4398 Calypso Terrace, Fremont, California 94555 has invented one or more inventions (hereinafter referred to as "said invention(s)") disclosed in an application for Letters Patent of the United States titled **CLICK-THROUGH RE-RANKING OF IMAGES AND OTHER DATA** (hereinafter referred to as "said application"), said application having been filed on December 5, 2003 and assigned application Serial No. 10/729,621.

WHEREAS, Overture Services, Inc. (hereinafter together with its successors and assigns referred to as "the Assignee"), a Delaware corporation, having its principal place of business at 74 North Pasadena Avenue, 3rd Floor, Pasadena, CA 91103 is desirous of obtaining all right, title and interest in, to and under said invention(s) and said application; and

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency of which I hereby acknowledge, I have sold, assigned, transferred and set over, and by these presents hereby sell, assign, transfer and set over to the Assignee all right, title and interest in, to and under said invention(s) and said application, including the right to apply for any Letters Patent of the United States of America and in any and all foreign countries on said invention(s), and any and all other applications for Letters Patent on said invention(s), in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part and convention applications based in whole or in part upon said invention(s) or upon said application, and any and all Letters Patent which may issue thereon in the United States and foreign countries, and any and all reissues, extensions, renewals, divisions, continuations or continuations-in-part of Letters Patent granted for said invention(s) or upon said applications, to the full term or terms for which said Letters Patent may be issued, and every priority right that is or may be predicated upon or arise from said invention(s), said application and said Letters Patent, the same to be held and enjoyed by the Assignee for its own use and benefit fully and entirely as if the same would have been held and enjoyed by us had this Assignment not been made. I hereby authorize the Assignee to file patent applications in any and all countries on any or all of said invention(s) in our names, or in its name, or otherwise as the Assignee may deem advisable, under the International Convention or otherwise.

I hereby authorize the Commissioner of Patents and Trademarks of the United States, and any official of any other country empowered to issue patents, to record this Assignment, and to issue or transfer all said Letters Patent on said invention(s) to the Assignee as owner of all right, title and interest therein, or otherwise as the Assignee may direct, in accordance with the terms of this Assignment.

I hereby represent and warrant that I have the full right to convey the entire right and interest herein assigned, that there are no rights or interests outstanding inconsistent with the rights and interests granted herein, and that I will not execute any instrument or grant or transfer any rights or interests inconsistent with the rights and interests granted herein.

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Attorney Docket No.: 5598/151US

I hereby covenant and agree that I will, upon request of the Assignee, communicate to the Assignee any facts known to us relating to said invention(s) and the history thereof, testify in any legal proceeding, execute all lawful papers including without limitation all divisional, continuing and reissue applications and all rightful oaths and declarations, and generally do all further acts which may be deemed necessary by the Assignee to obtain and enforce proper patent protection for said invention(s) in all countries.

IN TESTIMONY WHEREOF, I have executed this document on the date indicated below.

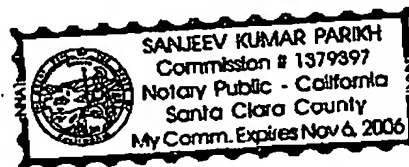
Date: 10/8/2004
(Signature)

John T. Thrall
John T. THRALL

STATE OF California)
COUNTY OF San Mateo) ss.:

On this 8 day of Oct, 2004, before me came John T. THRALL, to me known and known to me to be the individual described in, and who executed the foregoing instrument, and he/she has acknowledged to me that he/she has executed the same. OK

Sanjeev Parikh
Notary Public



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